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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,	)	CIV. NO. 04-00743 DAE-LEK
	)	
Plaintiff,	)	DECLARATION OF
	)	CHANTEL MARIE
vs.	)	GIAMANCO; EXHIBITS
	)	"A" – "C"; CERTIFICATE
CLAYTON FRANK, Director,	)	OF SERVICE
STATE OF HAWAII, DEPARTMENT	)	
OF PUBLIC SAFETY, et al.	)	
	)	
Respondents.	)	
	)	

**DECLARATION OF CHANTEL MARIE GIAMANCO**

**EXHIBITS "A" - "C"**

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

**TARYN CHRISTIAN,**

Plaintiff,

**VS.**

CLAYTON FRANK, Director,  
STATE OF HAWAII, DEPARTMENT  
OF PUBLIC SAFETY, et al.

### Respondents.

CIV. NO. 04-00743 DAE-LEK

DECLARATION OF  
CHANTEL MARIE  
GLAMANCO

**DECLARATION OF CHANTEL MARIE GILMANCO**

I, CHANTEL MARIE GIANMANCO, do declare as follows:

1. Declarant has been employed with Human Identification

Technologies, Inc. (HIT), Redlands, California, 92373, as a forensic scientist, and has been the lead forensic biology (DNA) caseworker since September of 2007;

2. HTT is a private forensic DNA testing and consulting laboratory which specializes in nuclear DNA analysis, consulting/case review, and training:

3. HIT is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), and is the first ASCLD/LAB-*International* accredited DNA laboratory in California;

4. HIT's clients include law enforcement, prosecution, crime laboratories, defense attorneys, corporations, and private individuals;

5. Declarant's duties at HIT include performing screening tests for biological fluids on evidence, extracting DNA from evidence, conducting DNA analysis, and interpreting findings of testing, and preparation of reports (including statistical analysis);

6. In the past, Declarant has conducted DNA analysis approximately seventy-five (75) times, with approximately sixty (60) of those times involving the use of the Polymerase Chain Reaction (PCR) method;

7. Declarant has previously testified in three (3) court cases as an expert witness in Identifiler (STR) PCR based DNA analysis;

8. Attached hereto and made a part hereof as Exhibit "A", is a true and correct copy of Declarant's curriculum vitae outlining, among other things, Declarant's training, education, and experience;

9. In May of 2008, Declarant was assigned to assist the Department of the Prosecuting Attorney – County of Maui, with analyzing items of evidence submitted in relation to the above-entitled case, and possibly conducting DNA analysis on those items;

10. On June 5, 2008, Declarant received items of evidence from Evidence Specialist Anthony Earles, Maui Police Department under report #95-39250 as follows: ten (10) fingernail scrapings from recovered from Cabaccang, baseball cap (item 2), and jacket (item 6);

11. The above-described items were then extracted for DNA analysis and designated as follows: Scrapings (3 fingers) and swab of packaging (1) from right hand (HIT #1.1); Scrapings (3 fingers) and swab of packaging (1) from left hand (HIT #1.2); Swabs (2) from front band area of baseball cap (HIT #2.1.A); Swab from left side of band area of baseball cap (HIT #2.1.B); Cuttings (5) from inner band of baseball cap (HIT #2.1.C); Cutting from lower back side of jacket (HIT #3.1); Cutting from front, middle, near the seam of jacket (HIT #3.2);

12. The extracts were evaluated for the presence of human DNA, and all of the extracts, except item 2.1.A, were then amplified using the Identifiler™ kit, which utilizes the Polymerase Chain Reaction (PCR) method, and analyzed on a 310 Genetic Analyzer instrument;

13. The alleles detected were then compared to the Short Tandem Repeat (STR) DNA profiles determined for the following reference samples (from SERI Second Analytical Report dated June 10, 2008): Reference From - Vilmar Cabaccang, Reference From - Taryn Christian, Hair Reference - James Hina

Burkhart;

14. Based upon Declarant's DNA analysis of the evidence, Declarant was able to make the following conclusions and opinions (see Exhibits "B", and "C"):

a. The STR-DNA alleles detected from ITEM 1.1 [scrapings (3 fingers) and swab of packaging (1) from right hand] indicate a single source, male, STR-DNA profile. Vilmar Cabaccang is included as a possible contributor. Taryn Christian and James Hina Burkhart are excluded as possible contributors;

1. This STR-DNA profile can be expected to occur in unrelated individuals at random in:

- i. Less than 1 in 7 billion African-Americans [calculated as 1 in  $2.8 \times 10^{23}$  (280 sextillion)]
- ii. Less than 1 in 7 billion Caucasians (calculated as 1 in  $1.2 \times 10^{23}$  (120 sextillion)]
- iii. Less than 1 in 7 billion Southwestern Hispanics [calculated as 1 in  $4.5 \times 10^{22}$  (45 sextillion)]

b. The three STR-DNA alleles detected from ITEM 1.2 [scrapings (3 fingers) and swab of packaging (1) from left hand] are consistent with a low level, partial, STR-DNA result. The alleles detected are consistent with Vilmar Cabaccang. No alleles foreign to Vilmar Cabaccang were detected. Taryn Christian and James Hina Burkhart are excluded as possible contributors of the three alleles;

1. Individuals meeting the criteria for inclusion as a potential contributor of the three STR-DNA alleles detected in this low level,

partial DNA result can be expected to occur at random among the following unrelated individuals:

- i. 1 in 28 African-Americans
- ii. 1 in 57 Caucasians
- iii. 1 in 11 Southwestern Hispanics

c. Blood was not detected from ITEM 2.1.A (swabs from front band area of baseball cap). Human DNA was not detected. Although a low level of human DNA was detected from item 2.1.B (swab from left side of band area of baseball cap), an STR-DNA profile was not obtained. The low level of human DNA detected from item 2.1.C [cuttings (5) from inner band of baseball cap] did not produce STR-DNA typing results;

d. Human blood is present on ITEM 3.1 (cutting from lower back side of Jacket) and ITEM 3.2 (cutting from front, middle, near the seam of jacket). The STR-DNA alleles detected indicate a single source, male, STR-DNA profile. The STR-DNA profile detected matches the DNA profile determined for Vilmar Cabaccang. Taryn Christian and James Hina Burkhart are excluded as possible contributors;

1. This STR-DNA profile, which matches Vilmar Cabaccang, can be expected to occur in unrelated individuals at random in:

- i. Less than 1 in 7 billion African-Americans [calculated as 1 in  $3.0 \times 10^{24}$  (3.0 septillion)]
- ii. Less than 1 in 7 billion Caucasians [calculated as 1 in  $1.0 \times 10^{24}$  (1.0 septillion)]
- iii. Less than 1 in 7 billion Southwestern Hispanics [calculated as 1 in  $6.8 \times 10^{23}$  (680 sextillion)]

15. All of Declarant's above opinions and conclusions are to a reasonable degree of scientific certainty;

16. Attached hereto and made a part hereof as Exhibit "B", is a true and correct copy of Declarant's Testing Report, dated June 30, 2008;

17. Attached hereto and made a part hereof as Exhibit "C", is a true and correct copy of Declarant's Testing Report, dated July 8, 2008;

18. Precautions are taken in the laboratory to prevent contamination of evidence and samples;

19. All of the above DNA analyses were conducted in accordance with Declarant's training and experience, and in accordance with the standards as set forth by the ASCLD/LAB;

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

DATED: 7/14/08 . Florida, July 14, 2008.

Chantel Marie Giamanco

Chantel Marie Giamanco

Forensic Scientist

Human Identification Technologies, Inc.